

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
77 South High Street, 9th Floor, Columbus, OH 43215-6136 ♦ Phone: (614) 466-3615
♦ Internet Web Site: <http://www.lsc.state.oh.us/>

BILL: **H.B. 51** DATE: **May 16, 2007**
STATUS: **As Introduced** SPONSOR: **Rep. Evans**
LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**
CONTENTS: **Issuance of a seven-day field driving permit**

State Fiscal Highlights

STATE FUND	FY 2008	FY 2009	FUTURE YEARS
State Bureau of Motor Vehicles Fund (Fund 4W4)			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal increase to process driving permits	Potential minimal increase to process driving permits	Potential minimal increase to process driving permits
General Revenue Fund (GRF) & Victims of Crime/Reparations Fund (Fund 402)			
Revenues	Potential negligible gain in locally collected state court costs	Potential negligible gain in locally collected state court costs	Potential negligible gain in locally collected state court costs
Expenditures	- 0 -	- 0 -	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2008 is July 1, 2007 – June 30, 2008.

- **State Bureau of Motor Vehicles Fund.** It seems likely any additional one-time and ongoing annual costs that will be generated for the state Bureau of Motor Vehicles (BMV) would be covered by moneys appropriated from the State Bureau of Motor Vehicles Fund (Fund 4W4), which is the BMV's primary source of funding.
- **Court cost revenues.** If, as assumed, the number of violations occurring annually statewide is relatively small, then the magnitude of the potential gain in locally collected court cost revenues that are deposited in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 402) will be negligible. For the purposes of this fiscal analysis, a negligible revenue gain means an estimated annual increase in state court cost collections of less than \$1,000 for either state fund.



Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2007	FY 2008	FUTURE YEARS
Counties and Municipalities			
Revenues	Potential gain in court costs and fines, likely to be minimal at most	Potential gain in court costs and fines, likely to be minimal at most	Potential gain in court costs and fines, likely to be minimal at most
Expenditures	Potential increase in criminal justice system costs, likely to be minimal at most	Potential increase in criminal justice system costs, likely to be minimal at most	Potential increase in criminal justice system costs, likely to be minimal at most
County, Municipal, and Townships Law Enforcement Agencies			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Little to no one-time training cost	- 0 -	- 0 -

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **Law enforcement training.** As of this writing, it would not appear that the need to inform and/or train field officers will noticeably disrupt the routines and operations of local law enforcement agencies. Presumably, the training would be one time, generate little to no cost, and be easily absorbed into day-to-day agency operations.
- **Prohibition violations.** Each instance in which a driver is charged with a violation of the bill's prohibition creates an additional case that the municipal or county criminal justice system with jurisdiction over the matter must process. And this processing may include additional costs to prosecute, adjudicate, defend (if the offender is indigent), and sanction the violator. Assuming the number of violators will not be, relatively speaking, large, then any additional case processing and offender sanctioning costs generated for any affected municipal or county criminal justice system would likely be minimal at most. For the purposes of this fiscal analysis, a minimal cost means an estimated annual expenditure increase of no more than \$5,000 for any affected county or municipality.
- **Court cost and fine revenues.** If, as assumed, the number of violations occurring annually in any given local jurisdiction is not, relatively speaking, large, then the magnitude of the potential court cost and fine revenues collected would be minimal at most. For the purposes of this fiscal analysis, a minimal revenue gain means an estimated annual increase in court cost and fine collections of no more than \$5,000 for any affected county or municipality.

Detailed Fiscal Analysis

For the purposes of this fiscal analysis, the bill most notably:

- Requires a law enforcement officer to issue a seven-day field driving permit under certain circumstances.
- Requires the Registrar of Motor Vehicles to determine the contents and form of the seven-day field driving permit.
- Prohibits any person who is issued a seven-day field driving permit from operating a motor vehicle other than as specified, a violation of which is a misdemeanor of the first degree and is punishable by a fine of not more than \$250, a jail term of not more than 30 days, or both.

Local fiscal effects

Local law enforcement training

Subsequent to the bill's enactment, local law enforcement agencies would need to, in some manner, train their field officers in the procedure for issuing a seven-day field driving permit. As of this writing, it would not appear that the need to inform and/or train field officers will noticeably disrupt the routines and operations of local law enforcement agencies. Presumably, the training would be one time, generate little to no cost, and be easily absorbed into day-to-day agency operations.

Misdemeanor violations

Expenditures. A misdemeanor violation falls under the subject matter jurisdiction of a municipal court or a county court. Thus, each instance in which a driver is charged with a violation of the bill's prohibition creates an additional case that the municipal or county criminal justice system with jurisdiction over the matter must process. And this processing may include additional costs to prosecute, adjudicate, defend (if the offender is indigent), and sanction the violator. As of this writing, LSC fiscal staff does not have any evidence at hand suggesting that a relatively large number of drivers would violate the prohibition in any given local jurisdiction in any given year. Assuming that were true, then any additional case processing and offender sanctioning costs generated for any affected municipal or county criminal justice system would likely be minimal at most. For the purposes of this fiscal analysis, a minimal cost means an estimated annual expenditure increase of no more than \$5,000 for any affected county or municipality.

Revenues. For each guilty plea or conviction for a violation of the bill's misdemeanor prohibitions, the county court or municipal court processing the matter may collect related court cost revenues. As for any fines imposed for such violations, the county in which the violation occurred receives any fine revenues collected for a state-created misdemeanor, while fine revenues collected from locally created misdemeanors (local ordinances) are forwarded to the municipality or township where

the offense was committed. If, as assumed, the number of violations occurring annually in any given local jurisdiction is not, relatively speaking, large, then the magnitude of that potential revenue would be minimal at most. For the purposes of this fiscal analysis, a minimal revenue gain means an estimated annual increase in court cost and fine collections of no more than \$5,000 for any affected county or municipality.

State fiscal effects

Bureau of Motor Vehicles

This bill, in effect, requires the Department of Public Safety's Registrar of Motor Vehicles to develop a form and procedure capable of being utilized for the issuance of a seven-day field driving permit. Legislative Service Commission fiscal staff has communicated with departmental personnel relative to this requirement and have been told that the one-time form production cost would not be significant and could be absorbed into routine operations with only a minimal impact on their information technology (IT) staff. Based on similar procedures currently in place, departmental personnel have estimated that the annual cost to produce and distribute the carbon-copy paper necessary to create the seven-day field driving permit at \$15,000.

The issuance of these new driving permits will also create additional data entry work for the state Bureau of Motor Vehicles (BMV). Currently, one part-time BMV person processes this type of work, and, depending on the number of field permits issued, the data entry operator position may need to be expanded to a full-time position, the annual cost of which is estimated at approximately \$32,000 plus fringe benefits.

Additionally, deputy registrars will need to be trained in any BMV procedures adopted for the processing of a seven-day field driving permits and the forms used will need to be stored and shipped to various places throughout Ohio.

It seems likely that the above-noted costs would be covered by moneys appropriated from the State Bureau of Motor Vehicles Fund (Fund 4W4), which is the BMV's primary source of funding.

Court cost revenues

As a result of violations of the bill's prohibition, the state may gain locally collected court cost revenues that are deposited in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 402). State court costs for a misdemeanor conviction total \$24, with \$9 of that amount being credited to the Victims of Crime/Reparations Fund (Fund 402) and the remainder, or \$15, being credited to the GRF. If, as assumed, the number of violations occurring annually statewide is relatively small, then the magnitude of that potential revenue gain for either state fund would be negligible. For the purposes of this fiscal analysis, a negligible revenue gain means an estimated annual increase in state court cost collections of less than \$1,000 for either state fund.

LSC fiscal staff: Matthew L. Stiffler, Budget Analyst
HB00511N/rh